

**Amendment and Response**

Page 7 of 9

Serial No.: 10/000,057

Confirmation No.: 9505

Filed: November 1, 2001

For: ABRASION RESISTANT COATING FOR STACKS OF FIBER CEMENT SIDING**Remarks**

The Office Action mailed June 30, 2006, has been received and reviewed. No claims having been amended or canceled, the pending claims are claims 17-18, 21, and 31-52. Reconsideration and withdrawal of the rejections are respectfully requested.

As requested by the Examiner (*see*, e.g., page 2, Office Action mailed June 30, 2006), we have included identifiers for all claims.

**The 35 U.S.C. §103(a) Rejection**

The Examiner rejected claims 17-18, 21, and 31-52 under 35 U.S.C. §103(a) as being unpatentable over Takahashi et al. (U.S. Patent 6,852,399) in view of Harper et al. (U.S. Patent 4,637,860). Applicants respectfully traverse this rejection.

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings . . . Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." M.P.E.P. §2143.

Applicants respectfully submit that the cited documents do not teach or suggest all of the language recited in the present claims. For example, Takahashi et al. disclose a "decorative material comprising: a substrate; a print layer provided on the substrate; a protective layer provided on the print layer, the protective layer comprising an ionizing radiation-cured resin; and a stress relaxing layer as a primer layer provided between the print layer and the protective layer" (e.g., claim 1). Takahashi et al. further disclose that "[s]ubstrates 6 for the decorative plate usable herein include . . . fiber cement boards, such as pulp cement boards, asbestos cement boards, and wood chip cement boards" (e.g., col. 14, l. 13-21). Takahashi et al. also disclose that "[i]n the formation of the protective layer, a thermosetting resin composition using a thermosetting resin or an ionizing radiation-curable resin composition may be used instead of the conventional synthetic resin composition. In this case, after coating, *heating* or ionizing

## Amendment and Response

Page 8 of 9

Serial No.: 10/000,057

Confirmation No.: 9505

Filed: November 1, 2001

For: ABRASION RESISTANT COATING FOR STACKS OF FIBER CEMENT SIDING

radiation irradiation to cause *curing* through crosslinking can further improve physical and chemical various properties of the outermost surface" (e.g., col. 21, l. 12-18, emphasis added).

Harper et al., on the other hand, disclose a "process for the manufacture of a non-asbestos corrugated sheet comprising forming into corrugated form an aqueous slurry of a mixture comprising, on a dry weight basis, 40-60% cement, 30-40% silica and 5-15% cellulose fibres" (e.g., abstract).

However, Applicants respectfully submit that neither Takahashi et al. nor Harper et al. disclose a curing step that "comprises a thermal curing process that does not expose the siding to a board surface temperature in excess of 100 °C" (e.g., claims 17 and 52).

Applicants further submit that there is no suggestion or motivation, either in the documents or in the knowledge generally available to one of ordinary skill in the art, to modify the documents. Rather, Takahashi et al. actually teach away from the present invention. For example, Takahashi et al. cure the top protective layer with *ionizing radiation* (i.e., electron beam) in the Examples. Takahashi et al. further disclose that the top protective layer is heat stable to allow for laminating the decorative sheet onto various substrates at 170 °C. (see, e.g., col. 15, l. 14-33 and col. 50, l. 5-28). Assuming *arguendo* that the lamination process is an additional thermal curing step, Applicants respectfully submit that the lamination temperature (e.g., 170 °C) will expose the siding to a board surface temperature in excess of 100 °C.

Therefore, Applicants respectfully submit that there is no motivation for a person of ordinary skill in the art to combine the *ionizing radiation* and *laminating process* of Takahashi et al. with the corrugated sheeting of Harper et al. to arrive at the present invention.

As such, Applicants respectfully submit that claims 17 and 52 and their respective dependent claims are not obvious over Takahashi et al. (U.S. Patent 6,852,399) in view of Harper et al. Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a).

## Amendment and Response

Page 9 of 9

Serial No.: 10/000,057

Confirmation No.: 9505

Filed: November 1, 2001

For: ABRASION RESISTANT COATING FOR STACKS OF FIBER CEMENT SIDINGSummary

It is respectfully submitted that pending claims 17-18, 21, and 31-52 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted

By

Mueeting, Raasch &amp; Gebhardt, P.A.

P.O. Box 581415

Minneapolis, MN 55458-1415

Phone: (612) 305-1220

Facsimile: (612) 305-1228

Customer Number 26813

Date

Sept 12, 2006

By:

Ann M. Mueeting

Reg. No. 33,977

Direct Dial (612) 305-1217

CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 12 day of Sept., 2006, at

8:15 a.m. (Central Time).

By:

Sandy Truehart

Name:

Sandy Truehart